



Public Notice

U.S. Army Corps
of Engineers
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 200501099

Date: July 21, 2005

Notice No. 05-49

Closing Date: August 17, 2005

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. APPLICANT: Angelilli Builders/
Evergreen Western Reserve Development LLC.
1485 E. Western Reserve Road
Poland, OH 44514

3. LOCATION: in wetlands adjacent to an unnamed tributary to Mill Creek, in Beaver Township, Mahoning County, Ohio.

4. PURPOSE AND DESCRIPTION OF WORK: The project proposes to construct the Evergreen Luxury Apartments complex on a 63 acre parcel located along Western Reserve Road approximately 1,500 feet east of the Ohio Turnpike. The apartment complex will consist of 39 buildings, including 6 four-unit one story structures, 14 six-unit one story structures, 19 eight-unit two story structures, a 2,000 square foot clubhouse, and associated infrastructure including 3,668 feet of new roadway, 691 parking spaces and utilities.

The project will result in adverse impact to 0.87 acres of palustrine emergent and shrub/scrub wetlands. The project has been designed to avoid impacts to the remaining 4.44 acres of emergent, shrub/scrub, and forest wetlands located on the parcel. Proposed compensatory mitigation includes the construction of 1.34 acres of emergent and shrub/scrub wetlands adjacent to the existing wetland 1 area. Drawings of the proposed project are attached to this notice.

5. WATER QUALITY CERTIFICATION: A Permit will not be granted until Water Quality Certification is received or waived from:

Ohio Environmental Protection Agency (Ohio EPA)
Section 401 Coordinator
P.O. Box 1049
Columbus, Ohio 43266-0149
Telephone Number: 614-644-2001

6. IMPACT ON NATURAL RESOURCES: The proposed project lies within the range of two Federally-listed species: the Indiana bat (*Myotis sodalis*) is an endangered species, and the bald eagle (*Haliaeetus leucocephalus*) is a threatened species. In correspondence dated June 18, 2004, the U.S. Fish and Wildlife Service indicated that the project as proposed is not likely to impact either species. In correspondence dated May 17, 2004, the Ohio Department of Natural Resources, Division of Natural Area and Preserves, indicated there are records of two species of concern, the Virginia Rail (*Rallus limicola*) and the Sora (*Porzana carolina*), and a threatened species, the Least Bittern (*Ixobrychus exilis*) for the project area. This Public Notice serves as a request for any additional information on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: In correspondence dated June 30, 2004, the Ohio Historic Preservation Office indicated that the project may require a preliminary archaeological survey based on the presence of sites on similar topography nearby. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

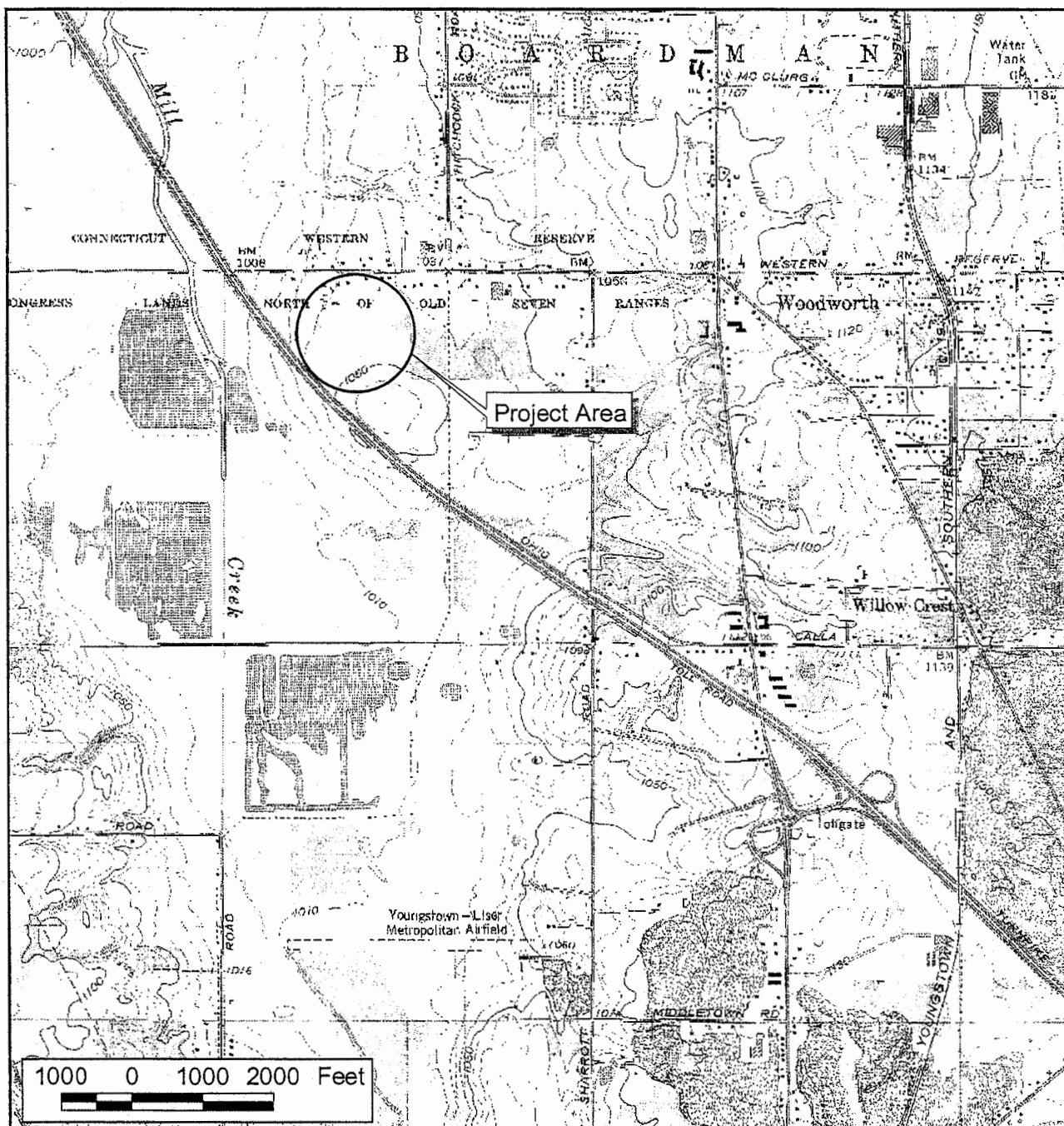
9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of

the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Marcia H. Haberman, at the above address, by telephoning (412) 395-7361, or by e-mail at Marcia.H.Haberman@usace.army.mil. Please refer to CELRP-OP-F 200501099 in all responses.

FOR THE DISTRICT ENGINEER:

Michael J. Cummings, Jr.
Chief, Regulatory Branch



Evergreen Luxury Apartments

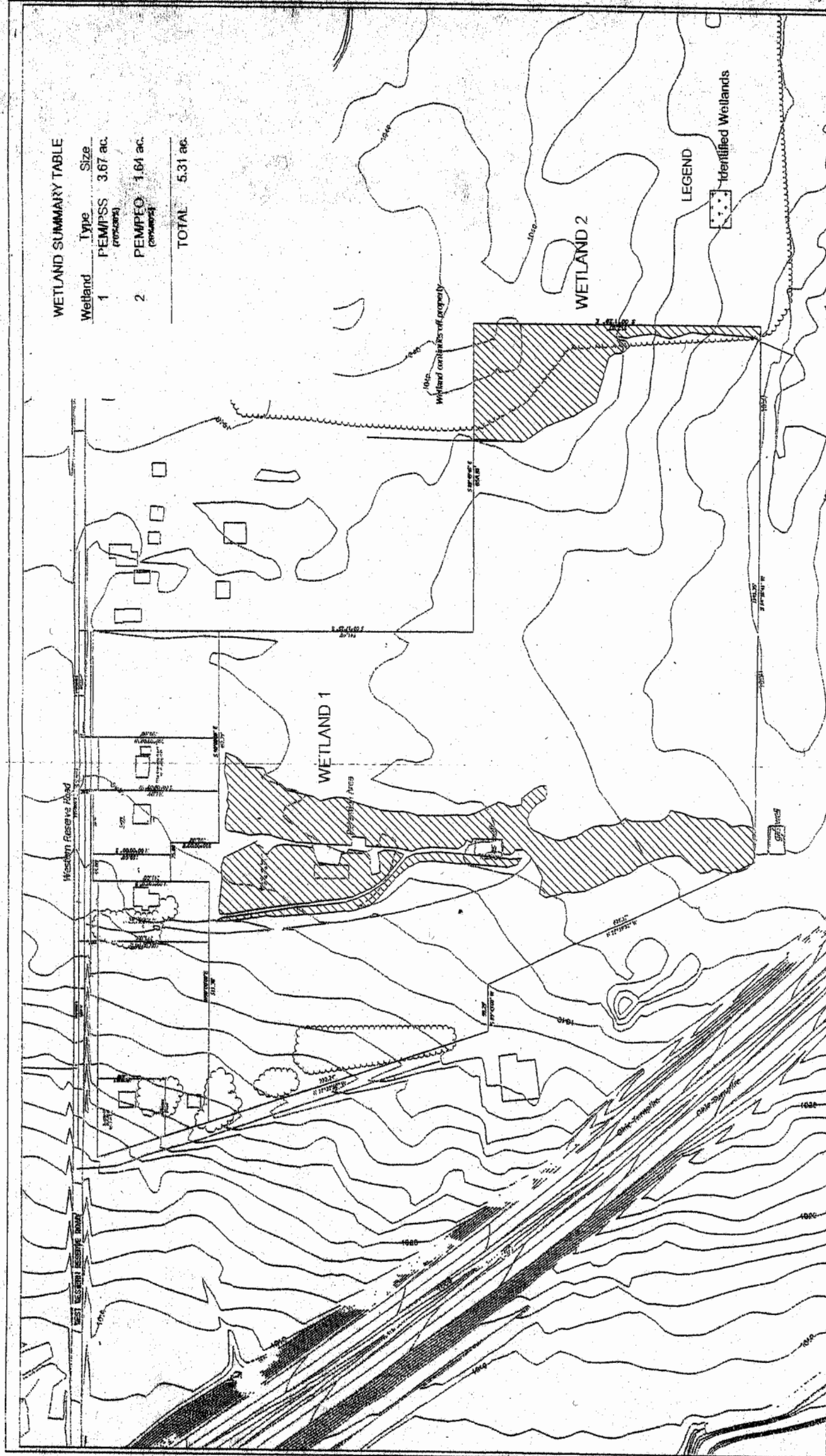
Figure 1
Project Location Map

Source: U.S.G.S. 7.5 Minute Topoquads, Columbiana, OH



WPI
WALLACE & PANCHER, INC.

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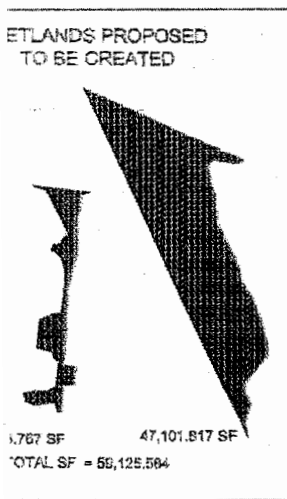
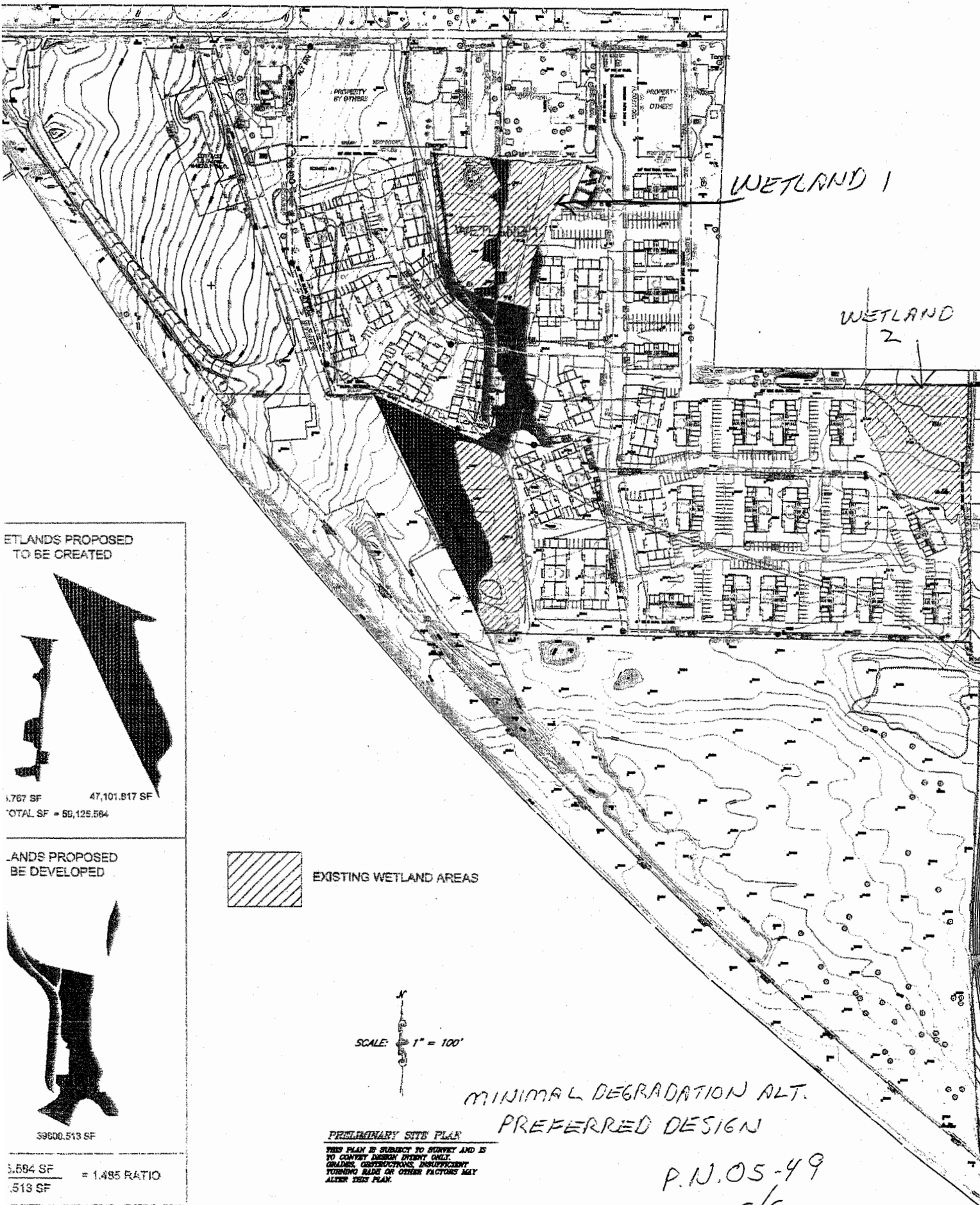


WETLAND SUMMARY TABLE

Wetland	Type	Size
1	PEMPS (perennial)	3.67 ac.
2	PEMPEO (perennial)	1.64 ac.
TOTAL		5.31 ac.

FIGURE 4 WETLAND DELINEATION PLAN		SHEET NO. 1 OF 1
Western Reserve Luxury Apartments <i>BEARVIEW</i> Boardman Township Mahoning County, OH		SCALE 1" = 100'
Prepared For: Angelli Builders 1485 E. Western Reserve Road Poland, OH 44514	Drawn By: Wallace & Packer, Inc. 2371 Main Street Harrisburg, PA 17118	DATE December 1, 2003
Project No. 03-001	Revision 01	Date 12/01/03

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c/c



EXISTING WETLAND AREAS

SCALE: 1" = 100'

MINIMAL DEGRADATION ALT.
PREFERRED DESIGN

PRELIMINARY SITE PLAN

THIS PLAN IS SUBJECT TO SURVEY AND IS
TO CONVEY DESIGN INTENT ONLY.
GRADING, OBSTRUCTIONS, INSUFFICIENT
TURNING RADIUS OR OTHER FACTORS MAY
ALTER THIS PLAN.

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